IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 18928 OF 2007(C)

PETITIONER:

M.M.MANI, S/O.MARKOSE, MUTTATHUKATTIL
VEEDU, AYYANCODE, KALLOOR VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR.

BY ADV. SRI.B.GOPAKUMAR
SMT.CHINCY GOPAKUMAR

RESPONDENTS:
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1. DISTRICT SUPERINTENDENT OF POLICE,
PALAKKAD.

2. THE CIRCLE INSPECTOR OF POLICE,
HEMAMBIKA, PALAKKAD DISTRICT.

3. SUB INSPECTOR OF POLICE,
KONKADU POLICE STATION, PALAKKAD DISTRICT.

4. RAMAKRISHNAN, S/O.KONNI, KALLUNGAL,
POOTHANNOOR P.O., MUNDOOR, PALAKKAD.

5. SARAVANAN, S/O.KESAVAN, KOLASSERY,
POOTHANNOOR P.O., MUNDOOR, PALAKKAD.

6. KANNAPPAN, S/O.RAMAN, KUNNATHUVEEDU,
POOTHANNOOR P.O, MUNDOOR, PALAKKAD.

7. SANTHOSH, S/O. GOPALAKRISHNAN,
KUNNATHUVEEDU, POONTHANNOOR P.O., MUNDOOR,
PALAKKAD.

8. THEETHU, S/O.KUNJAPPU, KALLUNGAL,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

9. VELAYUDHAN S/O.RAMAN, NELUKANPARAMBU,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

10. DEVAYANI, W/O.VELLAPPAN, NELUKKANPARAMBU
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

11. KUTTIYAPPU, S/O.RAMAN, NELUKANPARAMBU,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

12. KUNJU, S/O.KUTTIYAPPU, NELUKANPARAMBU,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

13. RAJAN, S/O.MUTHU, NELUKANPARAMBU,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

14. CHINNU, W/O.RAJAN, NELUKANPARAMBU,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

15. RUGMINI, W/O.BHASKARAN, PUNATHIL,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

16. SUKUMARAN, KALLUNGAL, POONTHANNOOR P.O.,
MUNDOOR, PALAKKAD.

17. SANTHA, W/O.RAMACHANDRAN,
NELUKANPARAMBU, POONTHANNOOR P.O.,
MUNDOOR, PALAKKAD.

18. LAKSHMI, W/O.KESAVAN, KOLASSERY,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

19. SURESH S/O. SUKUMARAN, KALLUNGAL,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

20. CHANDRAN, S/O.CHAMIYAR, KOLASSERY,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

21. GOPALAKRISHNAN ALIAS KUTTAN,
S/O.AYYAN EZHUTHACHAN, KUNNATHU, POONTHANNOOR P.O.
MUNDOOR,PALAKKAD.

22. MANOJ, S/O.RAMACHANDRAN, KALLUNGAL,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

23. SUBI, W/O.SULAIMAN, NELUKANPARAMBU,
POONTHANNOOR P.O., MUNDOOR, PALAKKAD.

24. THE ASSISTANT EXCISE COMMISSIONER,
PALAKKAD EXCISE DIVISION, PALAKKAD.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

GOVT. PLEADER SRI. P.A. SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE LICENCE NO. 710/07-08 DATED 24.5.2007.

EXT.P2 TRUE COPY OF THE COMPLAINT DATED 13.6.2007.

EXT.P3 TRUE COPY OF THE RECEIPT NO. 80/E3/07 DATED 13/6.2007.

RESPONDENTS'EXHIBITS:

EXT.R5(a) TRUE COPY OF THE MASS REPRESENTATION SUBMITTED BY THE RESPONDENTS & OTHERS BEFORE THE EXCISE MINISTER, DATED NILL.

EXT.R5(b) DO. SUBMITTED BEFORE THE EXCISE COMMISSIONER.

// TRUE COPY //

P.S. TO JUDGE.

KNC/-

P.R. RAMAN & K. HEMA, JJ.

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W.P.(C) NO. 18928 OF 2007

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DATED THIS, THE 2ND DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Ext.P1 is a licence issued in favour of the petitioner and another for running a toddy shop. The schedule contains the survey number and other details where the shop is situated. It is contended that while the petitioner is running the shop in the said premises strictly in accordance with the licence conditions, physical obstruction is caused by respondents 4 to 21.

2. Respondents, in their counter affidavit, denied the allegations and according to them, they are only staging a peaceful dharna and not causing any obstruction as alleged. It is alleged by them that the shop now conducted is not in the same premises as licensed.

3. Having heard the learned counsel for the parties, there will be a direction that so long as the petitioner is conducting the shop in the premises specified in the license, police will give protection and remove any obstructions caused. But this will not however, take away the right of the respondents from staging any peaceful dharna.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-